

PRELIMINARY AMENDMENT
CONTINUATION OF APPLN. NO.: 09/033,685

REMARKS

Entry and consideration of this Amendment are respectfully requested.

The present continuation application is filed in response to the Decision on Appeal dated November 18, 2003, making the parent application pending and a response due on or before January 20, 2004 (January 18, 2004 being a Sunday and January 19, 2004 being a holiday). The present continuation application is timely filed.

Any election made in the parent application does not carry over to the present continuation application. See MPEP § 819.

Prior to examination please also consider the following remarks. As seen from the disclosures of Tsujimoto and Ansell, the conjugated diene polymers of these references are not modified, so that they are weak in the reinforcing effect on carbon black and the improving width of the properties is insufficient. The present invention is not taught or disclosed in Tsujimoto and Ansell. Further, as described in Comparative Examples 1, 2 and 4 of the specification of the present application, even if the molecular weight distribution of the polymer itself is narrow and the content of cis-1,4 bond is high, since the polymer is not modified, the properties of vulcanizate (tan δ , wear resistance) are poor as compared with those of Examples 16-18 and 26-35. Therefore, it is clear that the present invention is unexpectedly superior to the materials and methods of Tsujimoto and Ansell.

Further, it is apparent from the examples of the present application that the component (j) as a modifying agent according to the present invention is unexpectedly

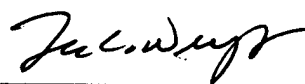
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superior to the modifying agents described in Hattori. As shown in Examples 26-35, the wear resistance of the polymer modified with dioctyltin biabenzyl maleate (DOTBM) is 132-145, which is higher than the wear resistance (128-130) of Examples 21-35 using the modifying agent described in Hattori. Also, the improving width of $\tan \delta$, as an indication of low heatbuildup, is large as seen from Tables 6 and 7. Therefore, it is clear that the polymer reacted with the new modifying agent of the present invention is unexpectedly superior to the polymer reacted with the modifying agent described in Hattori.

In any case, the present invention is novelty and unobvious over the teachings of Hattori, Tsujimoto and Ansell.

Entry and consideration of the present Preliminary Amendment and remarks is respectfully requested. Favorable consideration is requested.

Respectfully submitted,



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